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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,461	04/13/2004	Terry Jundt	5154-1	6612
22442	7590	04/26/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			SOTELO, JESUS D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,461

Applicant(s)

JUNDT ET AL.

Examiner

Jesús D. Sotelo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-21, 23, 25, 26 and 32 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-32 are in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6-8, 10, 12, 13, 15-17, 20, 23, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (5,449,308).

Thompson discloses a winding device including a housing 18 adapted to receive an object 12 to be rewound; the housing 18 includes first and second ends; a support member 76 is provided at a first end of the housing adapted to contact the outer surface of at least a portion of a first end 12 (A) of the object 12; and a drive member 88 positioned at the second end of the housing and adapted to contact the outer surface of at least a portion of a second end 12(B) of the object to rotate the object about its longitudinal axis. The connection of the drive member to the object is, in part, frictional. The housing 18 includes a member 82 that is adapted to selectively vary the distance between the support member and the drive member (for removal).

The support member further includes an end piece 76 adapted to be positioned at a selected position along the longitudinal axis of the housing.

The support member further includes an end piece 76 adapted to be inserted into an opening in the first end of the housing.

The support member includes a rotating member 88 adapted to rotate about the rest of the support member.

A power source 84 is adapted to rotate the drive member 88.

The power source includes at least one battery 54.

A socket 100 is adapted to electrically connect the winding device to an external power source.

The housing includes a side panel 28 with a guide 70.

The housing includes a cover 42.

The method steps of claim 32 are inherent in the operation of the device disclosed by Thompson.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 11, 14, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (5,449,308).

The device of Thompson engages the object through a socket element. To merely provide a device that grippingly engage the object would have been an obvious matter of design choice to one skilled in the art. Similarly, to reverse the arrangement of the element 88 and socket 92 such that the drive member comprises a concave surface would have been an obvious matter of design choice to one skilled in the art.

The power source of the device in Thompson is disclosed as a D.C. battery. To use a rechargeable battery would have been an obvious matter of design choice.

6. Claims 18, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (5,449,308) in view of Ireland (3,910,524).

Ireland discloses a device similar to that of Thompson. Ireland teaches providing the power means with forward and reverse switches. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to provide the device of Thompson with forward/reverse switches generally as taught by Ireland. The use of a forward/reverse switch would have been desirable to allow for better control of the winding. Similarly, to provide the housing in Thompson with mount means as taught by Ireland would have been an obvious matter of design choice to one skilled in the art.

Allowable Subject Matter

7. Claims 5, 9, 22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 27-31 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gordon (5,947,790) discloses a line winding device including a variable switch.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jesús D. Sotelo
Jesús D. Sotelo 4/24/06
Primary Examiner
Art unit 3617
KNX 03D69 ☺

jds
April 24, 2006